

REMARKS

Summary of the Office Action

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,086,304 to Hujishima et al. ("*Hujishima*") in view of Japanese Publication JP-A-165256 ("*Japan '256*") and Japanese Publication JP-A-199123 ("*Japan '123*").

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication JP-A-10-009235 ("*Japan '235*") in view of *Japan '256* and *Japan '123*.

Summary of the Response to the Office Action

Applicant has amended claim 1. Applicant has added claims 11-19. Claims 1-9 and 11-19 are pending.

The Rejections under 35 U.S.C. § 103(a)

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. *Hujishima* in view of *Japan '256* and *Japan '123*. Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Japan '235* in view of *Japan '256* and *Japan '123*. Applicant respectfully traverses the rejections for at least the following reasons.

With respect to independent claim 1, as amended, Applicant respectfully submits that the applied references fail to disclose the features "the number of staples are wound in a roll-like shape" and "the tearable film is disposed on a side of the staples remote from the center of the roll-like shape." In particular, *Hujishima* and *Japan '235*, at most, disclose a number of staples wound in a roll-like shape with a tearable film disposed on a side of the staples proximal to the center of the roll-like shape. See *Hujishima*, Fig. 3 and *Japan '235*, Fig. 3. Further, Applicant

submits that neither *Japan '256* nor *Japan '123* can remedy this deficiency of *Hujishima* and *Japan '235*.

Accordingly, Applicant respectfully requests the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn. Further, Applicant asserts that claims 2-9 are allowable at least because of their respective dependencies from independent claim 1, as amended, and the reasons set forth above.

New Claims

Applicant has added claims 11-19. Applicant respectfully submits that claims 11-19 are allowable over the art of record. In particular, with respect to independent claim 11, Applicant asserts that the applied references fail to disclose the feature “the tearable film is disposed so that the tearable film on a staple directly opposite the forming mechanism is disposed only on a surface of the staple opposite the forming mechanism.” Instead, both *Hujishima* and *Japan '235*, at most, disclose a tearable film disposed on a surface of the staples facing the forming mechanism. See *Hujishima*, Fig. 3 and *Japan '235*, Fig. 3. Further, Applicant submits that neither *Japan '256* nor *Japan '123* can remedy this deficiency of *Hujishima* and *Japan '235*.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration of the application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge

the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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